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No. 63] NEW DELHI, SATURDAY, APRIL 19, 1958/CHAITRA 29, 1880

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 17th April 1958/Chaitra 27, 1880-Saka

S.O. 587.—In continuation of Election Commission's notification No. 82/239/57, dated the 11th January, 1958, published as S.R.O. 265 in the Gazette of India Extraordinary, Part II—Section 3 (No. 30), dated the 18th January, 1958, under section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order of the High Court of Kerala, Ernakulam, delivered on the 10th March, 1958, on the appeal filed by Shri R. T. Joseph, son of Captain R. T. Thomas, I.M.S., of Ramapurath House, Kizhathadiyoor, Palai and Shri Joseph, M. J., son of Ouseph, of Mannoranparampl House, Edappady, Bharananganam, against the order, dated the 23rd December, 1957, of the Election Tribunal, Ernakulam in Election Petition No. 239 of 1957.

IN THE HIGH COURT OF KERALA, ERNAKULAM

Monday, the 10th day of March, one thousand nine hundred and fifty-eight.

PRESENT

The Hon'ble Mr. Justice G. Kumara Pillai and

The Hon'ble Mr. Justice M. S. Menon.

ELECTION APPEAL No. 1 OF 1958.

ELECTION PETITION No. 239/57 OF THE ELECTION TRIBUNAL, ERNAKULAM.

R. T. Joseph, son of Captain R. T. Thomas, I.M.S., of Ramapurath House, Kizhathadiyoor Palai (Kottayam District),

Joseph, M. J., son of Joseph of Mannoranparambil House, Edappady, Bharananganam (Kottayam District)—Appellants-Petitioners.

By Advocates M/s. C. K. Sivasankara Panicker and M. Ramanatha Pillai.

George Thomas Kottukapally, Palai (Kottayam District)—Respondent.

By Advocates M/s. P. Govinda Menon, P. K. Krishnankutty Menon, P. Narendra Menon.

This appeal having been finally heard on 10th March, 1958 the Court on the same day delivered the following:—

**ORDER**

*Kumara, Pillai, J.*

Counsel for the petitioner agrees that as the payment of the costs ordered on 20th February, 1958 as a condition precedent, for excusing the delay has not been complied with, the petition for excusing the delay now stands dismissed and the appeal is not therefore maintainable. But he prays that as no notice has been ordered on the appeal, no costs should be ordered in dismissing the appeal. The appeal is accordingly dismissed. No costs.

(Sd.) G. KUMARA PILLAI, Judge.

(Sd.) M. S. MENON, Judge.

*The 10th March, 1958.*

[No. 82/239/57.]

By order,

DIN DAYAL, Under Secy.